

CITY OF  
**FREMONT**  
NEBRASKA PATHFINDERS

**CITY COUNCIL MEETING**

**April 30, 2019**

**City Council Chambers 400 East Military, Fremont NE**

**REGULAR MEETING – 7:00 P.M.**

**PUBLIC COMMENT – 6:30 P.M.**

**AGENDA**

**REGULAR MEETING:**

1. Meeting called to order. After the Public Comment and Pledge of Allegiance, the Mayor called the meeting of the City Council to order and stated that a copy of the open meeting law is posted continually for public inspection located near the entrance door by the agendas.
2. Roll call. Roll call showed Council Members McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus and Legband present. 8 Council Members present.
3. Mayor comments  
(There will be no discussion from the Council or the public regarding comments made by the Mayor. Should anyone have questions regarding the comments, please contact the Mayor after the meeting)

**PUBLIC HEARINGS:**

4. Resolution 2019-060 authorizing the issuance of a conditional use permit for property located at Lake Leba Tax Lots 56, 57 and part of Tax Lot 52 in Section 21, T17N, R8E for the purposes of a private campground. Council Member Jacobus moved, seconded by Council Member Yerger to continue the item to the May 14, 2019 City Council Meeting. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Nay: Kuhns. Motion carried.

**CONSENT AGENDA:**

Moved by Council Member McClain seconded by Council Member Jacobus to approve items 5, 7, 8, 9, 12, 13, 16, 17, 20 and 21 of the consent agenda. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.

5. Motion to approve April 10, 2019 through April 30, 2019 claims and authorize checks to be drawn on the proper accounts
7. Dispense with and approve April 9, 2019 City Council Meeting Minutes
8. Authorize Mayor to sign Deed of Reconveyance, Clark, 120 N. Somers
9. Resolution 2019-069 authorizing the Police Chief to sign the NIBRS+ Data Sharing Agreement with the State of Nebraska Crime Commission
12. Motion authorizing the City Clerk to sign Special Designated License Local Recommendation form for event for Moonshine Hole LLC dba LA Fire Proof Door Co.
13. Motion authorizing the City Clerk to sign Special Designated License Local Recommendation form for

event for Burtonian Enterprises LLC dba Tin Lizzy Tavern (staff report)

16. Resolution 2019-062 to accept the contract with CenturyLink to renew phone services contract for the city municipal building
17. Consideration of cement work license application – HMW Construction LLC
20. Resolution 2019-063 of the City Council of the City of Fremont, Nebraska, authorizing an agreement with ADA Solutions to supply Powder Activated Carbon for Lon D. Wright, Power Plant Unit 8
21. Resolution 2019-070 of the City Council of the City of Fremont, Nebraska to allow the Fremont Police Department to apply for the NDOR Occupant Protection Enforcement Mini Grant (Click It or Ticket)

**ITEMS REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION:**

6. Receive 2018 Audit Report. Council Member Jensen moved, seconded by Council Member Kuhns to receive and file the 2018 audit report. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
10. Resolution 2019-065 authorizing the Mayor to sign an Interlocal Cooperation Agreement with the City of Lincoln, Nebraska for mutual assistance. Council Member Yerger moved, seconded by Council Member Legband to approve Resolution 2019-065. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
11. Consider recommendation of the Mayor to appoint three members to the Planning Commission. Council Member Kuhns moved, seconded by Council Member Legband to approve the appointment as recommended by the Mayor. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Legband. Nays: Yerger, Jacobus. Motion carried.
14. Resolution 2019-069 to disperse remaining CDBG 14-DTR-104 grant funds. Council Member Jensen moved, seconded by Council Member McClain to approve Resolution 2019-069. Ayes: McClain, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Abstention Ellis. Motion carried.
15. Resolution 2019-061 accepting and awarding the proposal of CentralSquare Technologies. for Cloud professional services in the amount of \$17,920.00 and Annual Access Fee. Council Member Kuhns moved, seconded by Council Member Yerger to approve Resolution 2019-061. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Legband, Yerger, Jacobus. Motion carried.
18. Resolution 2019-066 to award Keno Grants. Council Member Kuhns moved, seconded by Council Member Legband to approve Resolution 2019-066. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Legband, Yerger, Jacobus. Motion carried.
19. Motion to approve driveway variance request at 133 N. Birchwood Drive. Council Member Yerger moved to approve the request seconded by Council Member Legband. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Legband, Yerger, Jacobus. Motion carried.

**UNFINISHED BUSINESS: requires individual associated action**

22. Dispense with and approve March 26, 2019 City Council Meeting Minutes. Council Member Jacobus moved, seconded by Council Member Jensen to approve the March 26, 2019 minutes. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
23. Receive supplement to investigation and report on Tech Park property acquisition. Council Member Legband moved, seconded by Council Member Kuhns to receive supplement to investigation and report on Tech Park property acquisition. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus,



Legband. Motion carried.

**NEW BUSINESS: requires individual associated action**

24. Receive and file 2018-2019 Tax Increment Financing Annual Report. Council Member Yerger moved, seconded by Council Member Jacobus to receive and file the 2018-2019 Tax Increment Financing annual report. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
25. Resolution 2019-064 authorizing Mayor to execute the contract with Nebraska Department of Economic Development for the Civic and Community Center Financing Fund award for renovation of the City Auditorium. Council Member Kuhns moved, seconded by Council Member Jacobus to approve Resolution 2019-064. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
26. Resolution 2019-068 awarding bid for Johnson Road South pavement improvements project. Council Member Jacobus moved, seconded by Council Member Legband to approve Resolution 2019-068. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
27. Ordinance 5495 Temporary Drone Zones (first reading). Council Member Kuhns moved, seconded by Council Member Jensen to introduce the Ordinance and hold first reading. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Jacobus, Legband. Nay: Yerger. Motion carried. City Clerk provided first reading of the Ordinance.
28. Resolution 2019-067 rescinding Resolution 2019-056 and authorizing the Mayor to sign revised Interlocal Cooperation Act Agreement to create a Joint Water Management Advisory Board with certain Dodge County political subdivisions. Council Member Yerger moved, seconded by Council Member Ellis to propose approval of Resolution 2019-067 amended to indicate that two Council Members, specifically Council Members Jensen and Jacobus will participate in the Joint Management Board, the whereas statement and include the terminology in the subsequent paragraph that says that the City Council will have the authority to approve funding assignments and project costs associated with the costs to the City. Ayes: Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Nay: McClain. Motion carried. Council Member Yerger moved, seconded by Council Member Jacobus to approve Resolution 2019-067 as amended. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
29. Update on emergency flood measures, relief efforts, and floodplain management requirements. Council Member Yerger moved, seconded by Council Member Jacobus to receive into the record a map titled "March 2019 Flood". Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. No additional action was taken.
30. Executive Session for FOP bargaining strategy. Moved by Council Member Jensen, seconded by Council Member Legband to go into executive session for the purpose of discussing strategy session with regard to collective bargaining and for the further reason that the executive session is necessary for the protection of the public interest. The Mayor stated a motion had been made and seconded to go into executive session for the purpose of discussing strategy session with regard to collective bargaining and for the further reason that the executive session is necessary for the protection of the public interest and asked for discussion. There being none, the Mayor stated the pending motion was to go into executive session for the purpose of discussing strategy session with regard to collective bargaining and for the further reason that the executive session is necessary for the protection of the public interest. Ayes: McClain, Ellis, Jensen, Yerger, Legband, Kuhns, Bechtel, Jacobus. Motion carried. The Mayor stated that there was a motion to go into executive session for the purpose of discussing strategy session with regard to collective bargaining and for the further reason that the executive session is necessary for the protection of the public interest had been approved. Discussion will be limited to a strategy session with regard to collective bargaining. No official actions or votes will be taken during the executive session. Time in: 10:15 p.m.

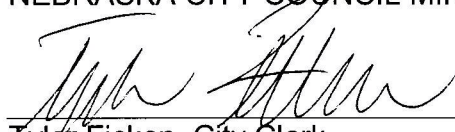
Moved by Council Member Jacobus, seconded by Council Member Kuhns to come out of executive

session where no official actions or votes were taken. Ayes: McClain, Ellis, Jacobus, Jensen, Yerger, Legband, Kuhns, Bechtel. Motion carried. Time out: 10:21 p.m.

31. Adjournment. Moved by Council Member Jacobus seconded by Council Member Kuhns to adjourn the meeting. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Kuhns, Bechtel. Motion carried. Meeting adjourned at 10:22 p.m.

I, Tyler Ficken, the undersigned City Clerk, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the Clerk; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that such subjects were contained in said agenda at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by the members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that this meeting was preceded by publicized notice in the Fremont Tribune and the agenda, including notice of study session, were displayed in the Municipal Building and distributed to the Mayor and Council on April 26, 2019 and is open to the public; that all news media requesting notification concerning meeting and the subjects to be discussed at said meeting and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.

APPROVED AND ACCEPTED THIS 14TH DAY OF MAY AS THE OFFICIAL COPY OF THE FREMONT, NEBRASKA CITY COUNCIL MINUTES FOR APRIL 30, 2019.



Tyler Ficken, City Clerk



Scott Getzschman, Mayor